49457

ANNO REGNI

GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

DECIMO SEXTO.

At the Parliament begun and holden at *Westminster*, the Twenty-ninth Day of *November*, *Anno Domini* 1774, in the Fifteenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued, by several Prorogations, to the Twenty-sixth Day of *October*, 1775; being the Second Session of the Fourteenth Parliament of *Great Britain*.

LONDON:

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ANNO DECIMO SEXTO

Georgii III. Regis.

CAP. XXIV.

An Act for vesting certain Estates now held in Trust for the People of the Royal Hospital for Seamen at Greenwich, in the Commissioners and Governors of the said Hospital, incorporated by His Majesty's Letters Patent.

[illegible]

ANNO DECIMO SEXTO

Georgii III. Regis.

CAP. XXIV.

An Act for vesting certain Estates, now held in Trust for the Benefit of the Royal Hospital for Seamen at *Greenwich*, in the Commissioners and Governors of the said Hospital, incorporated by His Majesty's Letters Patent.

Preamble.

Recital of Letters Patent of King *William* and Queen *Mary*, dated *Oct.* 25, in the Sixth Year of their Reign, granting to Sir *John Somers*, and others, a Piece of Ground, *etc.* in *East Greenwich*, etc.

WHEREAS Their late Majesties King William and Queen Mary, by Letters Patent under the Great Seal of Great Britain, bearing Date the Twenty-fifth Day of October which was in the Sixth Year of Their Reign, did give and grant unto Sir John Somers Knight, then Keeper of the Great Seal, and sundry other Persons therein named, a certain Piece or Parcel of Ground, with a capital Messuage erected thereon, situate and being within the Parish of East Greenwich in the County of Kent, in the said Letters Patent particularly mentioned and described, to hold to the said Sir John Somers and the other Grantees, their Heirs and Assigns for ever, to be holden of the Crown as of its Manor of East Greenwich in free and common Soccage by Fealty only and without Rent, to the Intent that the Premises should be con-

verted into an Hospital for the Relief of Seamen of the Royal Navy incapable to maintain themselves, their Widows and Children, and for the Encouragement of Seamen and Improvement of Navigation; and that so soon as the Buildings should be finished, and the Crown should establish a Corporation for the Government of the said Hospital, the said Grantees, and the Survivors of them, his or their Heirs and Assigns, should, by Appointment of the Crown, convey the Premises unto such Corporation: And whereas Their late Majesties Queen Anne, King George the First, and King George the Second, and His present Majesty, did severally grant unto certain Persons several Commissions, enabling them to prosecute and complete the Building of the said Hospital, and did also grant several Powers for the Management thereof; but no Corporation for the Purpose aforesaid was established until the Sixth Day of December now last past: And whereas the several Grantees named in the said Letters Patent have long since departed this Life, and it cannot be discovered at this Distance of Time who was the Survivor of the said Grantees, or in whom the legal Estate of and in the said Piece or Parcel of Ground and Capital Messuage, in the said Letters Patent mentioned and described, is now vested: And whereas, in Prosecution of the Scheme for building the said Hospital, and providing suitable Accommodations thereto, it became necessary to purchase sundry Messuages, Lands, Tenements, and Hereditaments, adjoining to the before-mentioned Piece or Parcel of Ground and Capital Messuage; and such Messuages, Lands, Tenements, and Hereditaments, no Corporation being then established, were conveyed at divers Times to sundry Persons, who were then Commissioners or Governors of the said Hospital, for the Use thereof, by Means whereof the legal Estates of and in such purchased Premises became and are now vested in many Persons, some of whom are wholly unconnected with the Affairs of the said Hospital, and others of them, from the great Effluxion of Time since such Purchases were so made, cannot now be discovered: And whereas by an Act of

Parliament, made and passed in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled, An Act for vesting the several Estates of *James* late Earl of *Derwentwater*, and *Charles Radcliffe* deceased, comprised in several Settlements therein mentioned, in Trustees, for an absolute Estate of Inheritance for the Benefit of the Royal Hospital at *Greenwich*, and for raising certain Sums of Money, out of Part of the said Estates, for the Relief of the Children of the said *Charles Radcliffe*; after reciting as therein is recited, it was enacted, That the Barony, Manor, or Lordship of Langley, with the Rights, Members, and Appurtenances thereof, in the County of Northumberland, and also all those the Manors of Whittingstall alias Quittingstall, and Newlands, Dilston alias Develston, Aydon-Shields, Warke, Elrington, and Meldon, and every of them, with their and every of their Rights, Members, and Appurtenances, in the said County of Northumberland, and all those Manors or reputed Manors of Spindleston, Utchester, Throckley, Coastley, Middleton-hall, East Thornton alias Thornton East, Westwood, and Thornborough, and every of them, with their and every of their Rights, Members, and Appurtenances, in the said County of Northumberland; and also all that the Advowson of the Church of Symondburne, with the Appurtenances, in the said County of Northumberland; and also all those Manors or reputed Manors of Castlerigg and Derwentwater alias Keswick and Thornthwaite, with their and every of their Rights, Members, and Appurtenances, in the County of Cumberland; and also all that the Manor of Scremerston, with the Rights, Members, and Appurtenances, in the County Palatine of Durham; and also all and singular the Messuages, Granges, Farms, Lands, Meadows, Pastures, Feedings, Woods, Underwoods, Tenements, and Hereditaments whatsoever, late the Estates of the said James Earl of Derwentwater, or whereof he was seised of any Estate of Inheritance in Possession, Reversion, Remainder, or Expectancy, situate, lying or being in the said Counties of Northumberland and Cumberland, and County Palatine of Durham, and every of them,

Recital of Act 22 *Geo.* II. for vesting the Estates of the late Earl of *Derwentwater*, and *Cha. Radcliffe*, in Trustees, for the Benefit of *Greenwich* Hospital, *etc.*

them, with their Appurtenances, which, by certain Indentures of Lease and Release therein recited, bearing Date the Twenty-third and Twenty-fourth Days of June, One thousand seven hundred and twelve, were settled, limited, and assured to the Uses in the said Indenture of Release of the Twenty-fourth Day of June, One thousand seven hundred and twelve, mentioned, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits, of all and singular the same Premises should, from and immediately after the Death of the said Charles Radcliffe in the said Act named, be, and be deemed to have been, divested out of His then Majesty, His Heirs and Successors, and settled upon and vested in, and the same were thereby from thenceforth settled upon and vested in, the Most Noble Charles Duke of Richmond and Lenox, and the Right Honourable Henry Fox Esquire, their Heirs and Assigns, freed, acquitted, and absolutely discharged, of, from, and against all and every the Uses, Estates, and Limitations, in and by the said Indenture of Release or Settlement, dated the Twenty-fourth Day of June, One thousand seven hundred and twelve, limited and created of and concerning the same, to and for the First and other Sons of the said Charles Radcliffe, and the Issue Male of such First and other Sons, and freed and absolutely discharged of and from all such Right, Title, Estate, Interest, Claim, and Demand, as was vested in His said Majesty, His Heirs and Successors, by virtue of the several Attainders in the said Act mentioned, or of the several Acts of Parliament in the said Act recited, or any of them; and also freed and absolutely discharged of and from all such Right, Title, Estate, Interest, Claim, and Demand, as was vested, or that might or could accrue or belong to His said late Majesty, His Heirs or Successors, by Reason or Means of James Bartholomew Radcliffe and James Clement Radcliffe, in the said Act named, or either of them, having been born out of the Dominions of the Crown of Great Britain, or otherwise howsoever, (save as therein after was saved) to the Use of them the said Charles Duke of Richmond and Lenox and Henry Fox, their

Executors,

Executors, Administrators, and Assigns, for and during, and unto the full End and Term of Five hundred Years, to be computed from the Day of the Death of the said Charles Radcliffe, and from thence next ensuing and fully to be compleat and ended, without Impeachment of Waste; and, from and after the End, Expiration, or other sooner Determination of the said Term, then to and for the only proper Use and Behoof of the Right Honourable Archibald Hamilton Esquire, commonly called Lord Archibald Hamilton, Charles Smith Esquire, James Gunman Esquire, Sir John Thompson Knight, Sir James Creed Knight, Peter Burrell Esquire, William Fawkener Esquire, William Baxter Esquire, Edward Vernon Esquire, Thomas Ripley Esquire, Doctor David Cockburn, James Spilman Esquire, William Allix Esquire, Fitzwilliam Plumptre Esquire, William Young Esquire, and Captain Francis Dansays, then being Sixteen of the Commissioners or Governors and Directors of the said Royal Hospital for Seamen at Greenwich, their Heirs and Assigns for ever; in Trust nevertheless, for themselves and the rest of the Commissioners or Governors and Directors for the Time being of the said Royal Hospital, for the Uses and Purposes following; (that is to say,) In the first Place, for and towards the finishing and compleating the Building of the said Royal Hospital; and after the Building of the same should be compleated and finished, for and towards the Support of the said Royal Hospital, and for the better Maintenance of the Seamen of the said Hospital worn out and become decrepid in the Service of their Country: And it was thereby further enacted, that the Manor and Lordship of Aistone alias Alstone Moore, and Garrigill, and all and every the Rights, Members, and Appurtenances thereunto belonging, in the said County of Cumberland, and all those the Two Parts (the Whole into Three Parts to be divided) of the Manor and Lordship of Newton Hall in the said County of Northumberland; and all that the Moiety or One Half Part of the Village or Township of Buteland, in the Parish of Chollerton and County of Northumberland; and all those the Rectories or Parsonages of Kirke-

Welpington, Harburne alias Hartburne and Midford in the said County of Northumberland; and all and singular the Messuages, Tithes, Farms, Lands, Tenements, and Hereditaments whatsoever, situate, lying, and being in the said County of Northumberland, which, by certain other Indentures of Lease and Release, bearing Date the Twenty-third and Twenty-fourth Days of March, One thousand six hundred and ninety-one, in the said Act mentioned, were settled, limited, and assured to the Uses in the said Indenture of Release, of the Twenty-fourth Day of March, One thousand six hundred and ninety-one, mentioned; and which by virtue of the several Attainders in the said Act mentioned, and of the several Acts of Parliament in the Act now reciting respectively recited, or some of them, did then remain vested in his said late Majesty, his Heirs and Successors, subject to such Appropriation of the Rents and Profits thereof for the Use and Benefit of the said Royal Hospital at Greenwich as in the Act now reciting is mentioned; and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits, of all and singular the said last-mentioned Premises, should from thenceforth be divested out of his said late Majesty, his Heirs and Successors; and the same should be, and should be deemed to be, and they were accordingly from thenceforth settled upon, and vested in, the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, their Heirs and Assigns, to the Use of them, their Heirs and Assigns, for ever, in Trust nevertheless, for themselves and the rest of the Commissioners or Governors and Directors for the Time being of the said Royal Hospital, for and towards the finishing and compleating the Building of the said Royal Hospital, and, after the building of the same should be compleated and finished, for and towards the Support of the said Royal Hospital, for the better Maintenance of the Seamen of the said Hospital worn out and become

decrepid in the Service of their Country, freed and absolutely discharged of and from all such Right, Title, Estate, Interest, Claim, and Demand, as was vested in His said Majesty, His Heirs and Successors, by virtue of the several Attainders in the Act now reciting mentioned, or of the several Acts of Parliament therein also recited, or any of them, or otherwise howsoever, and freed and absolutely discharged of and from all such Right, Title, Estate, Interest, Claim, or Demand, as any other Person or Persons whatsoever then had, or might, or could have had, in or to the said last-mentioned Manors, Messuages, Lands, Tenements, and Hereditaments, or in or to any Part or Parcel thereof, upon any Account whatsoever, save as therein-after is mentioned: And it was thereby also enacted, That the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, their Heirs and Assigns, should, in Trust as aforesaid, but subject to the Term of Five hundred Years, (as to the Premises comprised in the said Settlement of the Twenty-fourth Day of June, One thousand seven hundred and twelve, and as the same was therein-before created and limited,) hold and enjoy all and singular the Manors, Lands, Tenements, and Hereditaments, comprised in the said Settlements of the Twenty-fourth Day of March, One thousand six hundred and ninety-one, and Twenty-fourth Day of June, One thousand seven hundred and twelve; and which are therein-before vested, or mentioned to be vested, in the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, and the same should be, and be deemed to be, held of the said late King's Majesty, His Heirs and Successors, as of His said late Majesty's Manor of East

Greenwich in the County of Kent, by free and common Soccage Tenure; but nevertheless the said Manors, Lands, Tenements, and Hereditaments, should be, and should be deemed to be, subject to such Quit-rents, Crown-rents, and Dutchy-rents, issuing thereout respectively, as the same were respectively liable to on the Twenty-third Day of June, One thousand seven hundred and fifteen: And it was thereby also enacted and declared, That the then present or future Commissioners or Governors and Directors of the said Royal Hospital at Greenwich, or any of them, should not be answerable or accountable to any Person or Persons, other than to the said Royal Hospital, for or in respect of all or any Part of the Rents, Issues, and Profits, of the said Manors, Lands, Tenements, and Hereditaments, comprised in the Indentures of Lease and Release of the Twenty-third and Twenty-fourth Days of June, One thousand seven hundred and twelve, in the said Act recited, which had accrued or become due from the Death of the said Charles Radcliffe, and which had then already been, or should thereafter be received by them, or any of them, except by laying such Accounts before His Majesty and both Houses of Parliament, as by a certain Act, of the Eighth Year of His said late Majesty's Reign, is directed; but that all such Rents, Issues, and Profits, and all Fines and Sums of Money which had accrued or become due or payable from the Death of the said Charles Radcliffe, should be appropriated and applied to the Uses and for the Purposes in the said Act, of the Eighth Year of His said late Majesty's Reign, mentioned, and in the Act now reciting mentioned; nevertheless, that they the said Commissioners or Governors and Directors for the Time being, should from Time to Time lay the Accounts of their Receipts, Payments, and Disbursements, before His Majesty and both Houses of Parliament, as by the said recited Act, of the Eighth Year of His said late Majesty, is directed, as well with respect to the Manors, Lands, and Hereditaments, comprised in the said Settlement of the Twenty-fourth Day of June, One thousand seven hundred and twelve, as

Commissioners or Governors accountable to the Hospital only for Profits of Lands, *etc.*

Exception.

with respect to the Manors, Lands, and Hereditaments, comprised in the said Settlement of the Twenty-fourth Day of March, One thousand six hundred and ninety-one; and after reciting, that by reason of the Limitation therein-before made to the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, of the said Manors, Lands, Tenements, and Hereditaments, in Manner aforesaid, a Doubt might be made whether the Tenants of the said Estates ought from thenceforth to do such Acts and Services, and pay such Fines and Sums, as, by the Nature and Tenure of their Estates, founded upon immemorial Usage and Custom or otherwise, they would be to have done and performed and paid on the Death of any Lord thereof, in case the Limitation of the said Manors, Lands, Tenements, and Hereditaments, was made to a particular Person only and his Heirs; in order to make the like Provisions as were made by the Act of the Eleventh Year of his said late Majesty's Reign, for obliging the Tenants of the said Estates to do such Acts and Services, and to pay such Fines and Sums of Money as aforesaid, it was further enacted, That upon the Death of his said late Majesty, and also upon the Death of every successive King and Queen of this Realm, all such Acts and Services should be done and performed, and all such Fines and Sums of Money should be paid by the respective Tenants of the said Estates to the said Commissioners or Governors and Directors for the Time being of the said Royal Hospital at Greenwich, as by the ancient Tenure thereof, or by any Contract, Law, Usage, or Custom, ought to be done, performed, and paid by them, in case the said Manors, Lands, Tenements, and Hereditaments, had continued to be, or were actually vested in his said late Majesty, his Heirs and Successors; and that he and they were to be considered as private Persons only, and not in their Politick Capacity; and for Default of Performance

Upon the Death of his late Majesty, *etc.* enacted, that Services be done, and Fines paid, by the Tenants, agreeable to ancient Tenure.

ance of such Acts and Services which ought so to be done and performed, and for Default of Payment of any such Fines and Sums of Money which ought so to be paid, such Forfeitures and Penalties should accrue and become due, and it should be lawful for the said Commissioners or Governors and Directors for the Time being of the said Royal Hospital, in the Name of any One of them, to use and take all such Ways and Means for recovering and taking Advantage of the said Forfeitures and Penalties as might be lawfully used or taken by His Majesty, His Heirs and Successors, in case the said Manors, Lands, Tenements, and Hereditaments, had continued to be or were actually vested in His said Majesty, His Heirs and Successors, and that he and they were to be considered as private Persons only, and not in their Politick Capacity; any Law, Usage, or Custom, to the contrary notwithstanding: And it was thereby also further enacted, That the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, William Fawkener, and William Baxter, and the Survivors and Survivor of them, and the Executors and Administrators of such Survivor, should stand possessed of and interested in the Barony, Manors, Lands, and Hereditaments, by Two several Indentures, both bearing Date the Sixteenth Day of February, One thousand seven hundred and forty-eight, in the Act now reciting particularly mentioned, respectively bargained, sold, and assigned unto the said Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawkener, and William Baxter, their Executors, Administrators, and Assigns, for and during all the Rest, Residue, and Remainder then to come and unexpired, of the several Terms of Five Hundred Years and Five Hundred Years in the same Indentures mentioned; and that they the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, William Fawkener, and William Baxter, and the Survivors and Survivor of them, and the respective Heirs, Executors, and Administrators, of such Survivor, should stand seised and possessed of and interested in the Sum of Three

thousand Pounds in the Act now reciting mentioned, and the Barony, Manors, Lands, and Hereditaments, charged with the Payment thereof, in Trust, for the Commissioners or Governors and Directors, for the Time being, of the said Royal Hospital at Greenwich, and to the Intent that the said last-mentioned Terms of Five hundred Years and Five hundred Years might attend and wait upon the Freehold and Inheritance of the Premises therein respectively comprised, and by the Act now reciting limited to the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, and to protect the same from all mesne Incumbrances, if any should happen to be; but subject nevertheless, and without Prejudice, to the said Term of Five hundred Years therein before limited to the said Charles Duke of Richmond and Lenox and Henry Fox, their Executors, Administrators and Assigns, as aforesaid: And it was thereby further enacted, That it should and might be lawful to and for the Commissioners or Governors and Directors, for the Time being, of the said Royal Hospital at Greenwich, or any Seven or more of them, from Time to Time, and at all Times thereafter, to appoint Stewards, Receivers, or Bailiffs, of the said Manors, Lands, Tenements, and Hereditaments, and to invest them with full Power to receive and get in the Rents, Issues, and Profits thereof, and to give Receipts, Discharges, and Acquittances for the same, and to hold Courts, and to do and perform all Acts, Matters, and Things, necessary for the managing the said Premises, usually done and performed by Stewards, Receivers, and Bailiffs, and also to assign and allow such Salaries and Rewards to the said Stewards, Receivers, and Bailiffs, as the said Commissioners or Governors and Directors of the said Royal Hospital for the Time being, or any Seven or more of them, should think requisite and necessary in that Behalf; and also that it should and might be

Commissioners or Governors impowered to appoint Stewards, Receivers, *etc.*

and to sell Timber.

lawful to and for the said Commissioners or Governors and Directors of the said Hospital for the Time being, or any Seven or more of them, from Time to Time, and at all Times thereafter, to contract for the Sale of, and accordingly to make Sale and dispose of, all or any such Part or Parts of the Timber or Timber Trees on the said Estates, as they the said Commissioners or Governors and Directors, or any Seven or more of them, should think fit, and to authorise and appoint any Person or Persons to make any Contract or Contracts for the Sale of all or any Part or Parts of such Timber and Timber Trees, and to receive the Purchase-money for the same, without being obliged to make any Application for all or any of those Purposes to His Majesty's Court of Exchequer, or to any Person or Persons whatsoever: And it was thereby also further enacted, That the Money to arise by the Sale of the said Timber should be applied to the Use of the said Hospital; but so nevertheless as that no Person or Persons who should purchase any Part of such Timber should be answerable for the Application of such Purchase-money; and that it should and might be lawful to and for the said Commissioners or Governors and Directors of the said Hospital, or any Seven or more of them, to direct the cutting down, from Time to Time, such Timber and Timber Trees from off the said Estates as they should at any Time adjudge necessary or fitting to be used in the repairing any Houses, Tenements, Buildings, or Erections, on the said Estates, or to be used in the building any new Houses, Tenements, Edifices, Buildings, or Structures, as they should judge fitting to be erected on the said Estates, or should think it necessary or reasonable to build or erect for any Tenants of the said Estates, or for the Benefit or Improvement of the Premises, or any Part thereof: And it was thereby further enacted, That it should and might be lawful to and for the Commissioners or Governors and Directors for the Time being of the said Royal Hospital at Greenwich, or any Seven or more of them, from Time to Time, and at all Times thereafter, to demise and grant all and every or any of the Mines of Lead, Coal,

Commissioners, *etc.* impowered to grant Leases of Mines, Lands, *etc.* for 21 Years.

and other Minerals, as well opened as not opened, within and under any of the aforesaid Lands and Premises, to any Person or Persons, for any Term or Number of Years not exceeding Twenty-one Years, and to grant Leases of all or any of the aforesaid Manors, Lands, Tenements, and Hereditaments, unto any Person or Persons for any Term or Number of Years not exceeding Twenty-one Years, to take Effect in Possession, and not in Reversion, reserving in every Lease, Demise, or Grant of Mines, such Dues, Rent or Rents, and Profits, as they should judge most reasonable; and reserving on every other Lease and Demise the best yearly or other Rents or Dues which can be reasonably gotten for the same, without taking any Fine, Premium, or Foregift; and that it should be lawful for the said Commissioners or Governors and Directors of the said Hospital, or any Seven or more of them, to grant in every such Lease, Demise, and Grant of Mines and Minerals, to the respective Adventurers, Lessee or Lessees of such Mines and Minerals, full Power and Liberty to win and work the same Mines and Minerals, and to do every other reasonable Act and Thing requisite and necessary for that Purpose; but it was thereby enacted, That in every such Demise and Lease there should be contained a Condition of Re-entry for Non-payment of the Rent and Rents thereby respectively to be reserved; and it should be requisite for the respective Lessees to execute Counterparts of all such Demises and Leases; and no Clause should be contained in any of the said Demises or Leases, other than in the Demises or Leases of the said Mines or Minerals, whereby to give Power to any Lessee to commit Waste, or to exempt him, her, or them, from Punishment for committing the same: And after reciting that the Fines, Customs, and Services, by and under which several of the Tenants held their Farms, Lands, Tenements, and Estates, lying and being within several of the aforesaid Manors, were agreed, ascertained, or expressed, in some Articles, Indenture, Deed or Writing, then or late in the Custody or Power of some of the said Tenants, which, if produced, might be a Means to prevent Disputes, Differences,

ences, and Suits, concerning the said Fines, Customs, and Services, and for the Quiet and Benefit both of the Lord and Tenants; and it might happen that such Tenants might refuse to produce or shew such Articles, Indenture, Deed, or Writing, it was therefore enacted, That it should and might be lawful, to and for any Seven or more of the Commissioners or Governors and Directors of the said Hospital for the Time being, to apply to His Majesty's Court of Exchequer at Westminster, by a Motion in a summary Way, against any Tenant or Tenants holding any Farms, Lands, Tenements, or Estates, lying and being within the said Manors, or any of them, of whose having in his, her or their Custody or Power any such Articles, Indenture, Deed or Writing, probable Evidence should be shewed to the Satisfaction of the said Court, for such Tenant or Tenants to produce and shew forth the same; upon which Motion it should and might be lawful to and for the said Court of Exchequer to examine and inquire into the said Matter, and make such Order or Orders with respect to the producing and shewing forth any such Articles, Indenture, Deed, or Writing, by any such Tenant or Tenants appearing to the said Court to have the same in his, her, or their Custody or Power, and with respect to any Copy or Copies to be had and made thereof, and such other Order and Orders concerning the same, as the said Court should think proper and just: And it was thereby further enacted, That so soon as it should happen that so many of them the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, the Trustees nominated and appointed in and by the said Act, for and on Behalf of the said Commissioners or Governors and Directors of the said Royal Hospital at Greenwich, should happen to die, so as that the Number of such Trustees should be reduced to Eleven, or to any lesser Number, that then, and in that Case, it should and might be lawful to and for the Commissioners or

Trustees impowered, so soon as their Number should be reduced to 11, to chuse new ones, *etc.*

Governors and Directors of the said Hospital for the Time being, or any Seven or more of them, and they were thereby authorised and impowered at any Time thereafter, by any Deed or Instrument in Writing under their respective Hands and Seals, to be inrolled in His Majesty's High Court of Chancery, to nominate such other Persons as they the said Commissioners or Governors and Directors of the said Hospital, or any Seven or more of them, should think fit, in the Place of such of the said Trustees as should so happen to die; and that it should and might be lawful to and for the said Commissioners or Governors and Directors of the said Hospital for the Time being, or any Seven or more of them, and they were thereby authorised and impowered, from Time to Time, and at all Times afterwards, when and so often as any other of the said Trustees, or when and so often as any of such other Persons as should be so nominated as aforesaid, or any other Persons to be afterwards nominated in pursuance of the said Act (which they were thereby authorised and impowered to nominate accordingly) should happen to die, by any such Deed or Instrument in Writing as aforesaid, to nominate such other Persons as they the said Commissioners or Governors and Directors, or any Seven or more of them, should think fit, in the Place of all and every the Person and Persons so dying: And it was thereby also enacted and declared, That from and immediately after every such Nomination, all and singular the Manors, Lands, Tenements, and Hereditaments, and Powers, therein-before limited and given to the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, and their Heirs as aforesaid, should be well vested in the Persons who from Time to Time should be so nominated as aforesaid, jointly with the Survivors of the said Trustees, or such other Persons as aforesaid, and in their Heirs, in Trust, for the said Commissioners or Governors and Directors of the said Hospital, as fully

and effectually to all Intents and Purposes as if the Persons so to be nominated as aforesaid had been actually named in the Act now reciting, and the said Manors, Lands, Tenements, and Hereditaments, and Powers, had been thereby limited and given to them and the Survivors of the said Trustees, or such other Persons as aforesaid, and their Heirs: And whereas the Persons, in whom the said Manors, Messuages, Lands, Tenements, and Hereditaments were, by or by virtue of the said Act of Parliament, vested, have been several Times reduced to Eleven or a less Number, and thereupon Appointments of New Trustees have been from Time to Time made, executed, and inrolled in His Majesty's High Court of Chancery, pursuant to the said Act of Parliament: And whereas the Commissioners and Governors of the said Hospital, since the passing of the said Act of Parliament, have made some small Purchases of Lands, Tenements, Tithes, and Hereditaments, in the Counties of Northumberland and Cumberland, and County Palatine of Durham, for the better Accommodation of the Tenants of the Manors, Messuages, Lands, Tenements, and Hereditaments, comprised or mentioned in the said recited Act of Parliament; and such purchased Premises have been conveyed to such Persons as, at the several Times of making such Purchases, were Trustees of the Estates lately belonging to the said Earl of Derwentwater and Charles Radcliffe, for the Use of the said Hospital: And whereas His late Majesty King Charles the First, by His Letters Patent, bearing Date on or about the Thirteenth Day of February which was in the Twelfth Year of His Reign, did appoint that certain Light-houses, which had been erected by Sir John Meldrum on the North and South Foreland, should be continued, and that he might alter, renew, remove, or change them, and that there should be collected from every Vessel, whether belonging to Subjects or Strangers, passing by such Light-houses, certain Duties per Ton, and gave several Directions for collecting and getting in the same, and granted the said Duties to the said Sir John Meldrum, his Executors, Administrators, and Assigns,

Various Letters Patent recited:

Granted 12 *Car.* I.

Assigns, for Fifty Years from the Date of the said Letters Patent, under the Rent of Twenty Pounds, payable into the Exchequer by half-yearly Payments: And whereas His late Majesty King Charles the Second, by His Letters Patent, bearing Date on or about the Twenty-first Day of July which was in the Twenty-third Year of His Reign, did grant the said Duties to John Smith Esquire, for the further Term of Thirty Years, to commence from the Expiration of the former Grant to the said Sir John Meldrum: And whereas the said Duties afterwards became the Property of Robert Osbolston Esquire: And whereas Her late Majesty Queen Anne, by Her Letters Patent, bearing Date on or about the First Day of June which was in the Third Year of Her Reign, did grant the said Duties to the said Robert Osbolston, for the further Term of Seventeen Years, to commence from the Expiration of the former Grant to the said John Smith; and the said Duties, together with Three Messuages or Tenements situate on Saint Peter's Hill in the City of London, by virtue of the Will of the said Robert Osbolston, bearing Date on or about the Tenth Day of October which was in the Year of our Lord One thousand seven hundred and seven, became the Property of the said Hospital: And whereas His late Majesty King George the Second, by His Letters Patent, bearing Date on or about the Fourteenth Day of July which was in the Third Year of His Reign, did give and grant unto Sir John Jennings, Joseph Soanes, Philip Cavendish, Sir Garrard Conyers, Sir Edward Bellamy, Sir John Thompson, Sir Thomas Colby, Samuel Holden, William Fawkener, Baltzar Lyell, John Hanbury, Ralph Radcliffe, Nicholas Clarke, William Baxter, Sidney Godolphin, Charles Chamberlain, Edward Vernon, John Guy, William Collier, Jayes Sewell, Richard Moreton, Colin Campbell, Charles Vanburgh, and Joseph Bell, their Executors, Administrators, and Assigns, full Power and Authority, at their own Charges, with the Advice of skilful Seafaring Men, to continue, maintain, erect, alter, renew, and change, the respective Light-houses and Lights upon the North and South Foreland; and did give and grant unto them, their

23 Car. II.

3 Anne.

3 Geo. II.

Executors,

Executors, Administrators, and Assigns, certain Duties payable for Ships and other Vessels having the Benefit of the said Light-houses and Lights, with Powers to collect the same, to hold to them, their Executors, Administrators, and Assigns, for Ninety-nine Years, from the Expiration, Surrender, Forfeiture, or other sooner Determination, of the Letters Patent therein recited, and the Grant thereby made to the said Robert Osbolston, in Trust, for the sole Use, Benefit, and Behoof, of the poor Seamen of the said Hospital: And whereas His present Majesty, by His Letters Patent, bearing Date on or about the Sixth Day of December now last past, after reciting the Letters Patent granted by King William and Queen Mary, Queen Anne, King George the First, and King George the Second, for the founding, erecting, and managing the said Hospital, as herein-before mentioned; and also reciting, that it had been found that the Powers contained in the said recited Letters Patent had not been competent for the collecting, receiving, and applying, the Revenues, Rents, Profits, and Emoluments, given, appropriated, and belonging, or which might thereafter be given, appropriated, or belong to, or to the Use of the said Hospital, and had also been found insufficient for other necessary and beneficial Purposes, whereby great Inconveniencies and Losses had happened to the said Hospital, did ordain, appoint, and establish, That certain Persons, in the Letters Patent now reciting named and described, should for ever thereafter be, by virtue of the said Letters Patent, One Body Politick and Corporate, in Deed and in Name, by the Name of The Commissioners and Governors of the Royal Hospital for Seamen at *Greenwich* in the County of *Kent*; and did also give sundry Powers to such Corporation for the better Regulation and Management thereof: And whereas great Inconveniencies will arise to the said Corporation in case the legal Estates of and in the Piece or Parcel of Ground, Capital Messuage, and other Messuages, Lands, Tenements, and Hereditaments, herein-before mentioned to be situate, lying, and being at Greenwich and on Saint Peter's Hill aforesaid, and of and in the said Barony, Manors, Messuages,

and 16 *Geo.* III.

Certain Persons, in the reciting Patent described, incorporated:

Their Name.

Lands, Tenements, and Hereditaments, herein-before mentioned to be situate, lying, and being in the Counties of Northumberland and Cumberland, and County Palatine of Durham, vested by the said recited Act of Parliament or purchased as aforesaid, and of and in the said Light-house Duties, shall continue and remain in so many Persons as the same are now vested in, and which Inconveniencies will be wholly removed by vesting such legal Estates in the said Corporation, who are now capable by Law of taking and holding the same; may it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Barony, Manor, Messuages, Lands, Tenements, Tithes, and Hereditaments, and Light-house Duties, with their several Rights, Members, and Appurtenances, heretofore given, granted, devised, settled upon, or vested in, or conveyed or limited or demised or assigned to, any Person or Persons whomsoever, in Trust for, or for the Use or Benefit of the said Hospital, or given, granted, or devised to the said Hospital, by any Gift, Grant, Letters Patent, Will, Letters of Administration, Act of Parliament, Indentures, Deed Poll, or other Deed in Writing, or otherwise howsoever, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits thereof, shall, from and after the First Day of May, One thousand seven hundred and seventy-six, be divested out of all and every such Person and Persons, his, her, and their Heirs, Executors, and Administrators, and the same shall be, and shall be deemed to be, and they are accordingly from thenceforth settled upon and vested in the said Corporation, being the Commissioners and Governors of the Royal Hospital for Seamen at Greenwich in the County of Kent, their Successors and Assigns, to the Use of the said Commissioners and Governors of the said Royal Hospital, their Successors and Assigns, for ever, freed and absolutely discharged

After *May* 1, 1776, all Lands, Tenements, *etc.* heretofore given or granted to, or for the Use of, *Greenwich* Hospital, vested in the Corporation of the Commissioners and Governors, *etc.*

charged of and from all such Right, Title, Estate, Interest, Claim, and Demand, as any Person or Persons whatsoever hath or have, or may or can have, in or to the said Barony, Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments, and Light-house Duties, or in or to any Part or Parcel thereof, upon any Account howsoever, save as herein-after is mentioned.

Act 22 *Geo* II. *etc.* repealed.

And be it further enacted by the Authority aforesaid, That from and after the said First Day of May, One thousand seven hundred and seventy-six, all and every the Clauses and Powers herein-before recited to be contained in the said Act of the Twenty-second Year of the Reign of His late Majesty King George the Second; and also so much of the Act passed in the Eighth Year of the Reign of His said late Majesty King George the Second, as relates to laying the Accounts of the Commissioners or Governors of the said Hospital before His Majesty and both Houses of Parliament; shall be, and the same are hereby repealed.

In what Manner the Barony, Lands, *etc.* are to be held.

And be it further enacted, That the said Commissioners and Governors of the said Royal Hospital, their Successors and Assigns, shall hold and enjoy all and singular the said Barony, Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments, and the same shall be and be deemed to be held of the King's Majesty, His Heirs and Successors, as of His Majesty's Manor of East Greenwich in the County of Kent, by free and common Soccage Tenure; but nevertheless the said Barony, Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments, shall be, and shall be deemed to be, subject to such Quit-rents, Crown-rents, and Dutchy-rents, issuing thereout respectively, as the same are now respectively liable to.

Services to be performed, and Fines paid, by the Tenants, agreeable to the ancient Tenure, *etc.*

And whereas, by reason of the settling of the said Barony, Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments, in the said Commissioners and Governors of the said Royal Hospital in Manner aforesaid, a Doubt may be made whether the Tenants of the said Estates ought from henceforth to do such Acts and Services, and pay such Fines and Sums as, by the

Nature and Tenure of their Estates, founded upon immemorial Usage and Custom or otherwise, they would be to have done and performed and paid on the Death of any Lord thereof, in case the Settlement of the said Barony, Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments, was made to a particular Person only and his Heirs: Now, in order to make the like Provisions as were made by an Act of Parliament, made and passed in the Eleventh Year, and of the said Act passed in the Twenty-second Year of His late Majesty's Reign, for obliging the Tenants of the said Estates to do such Acts and Services, and to pay such Fines and Sums of Money as aforesaid, be it further enacted by the Authority aforesaid, That upon the Death of His present Majesty, (whom God long preserve for the Benefit of His People), and also upon the Death of every successive King or Queen of this Realm, all such Acts and Services shall be done and performed, and all such Fines and Sums of Money shall be paid, by the respective Tenants of the said Estates, to the said Commissioners and Governors of the said Royal Hospital, as by the ancient Tenure thereof, or by any Contract, Law, Usage, or Custom, ought to be done, performed, and paid by them, in case the said Manors, Lands, Tenements, and Hereditaments, had continued to be or were actually vested in His Majesty, His Heirs and Successors, and that he and they were to be considered as private Persons only, and not in their politick Capacity; and for Default of Performance of such Acts and Services which ought so to be done and performed, and for Default of Payment of any such Fines and Sums of Money which ought so to be paid, such Forfeitures and Penalties shall accrue and become due; and it shall be lawful for the said Commissioners and Governors of the said Royal Hospital to use and take all such Ways and Means for recovering and taking Advantage of the said Forfeitures and Penalties as might be lawfully used or taken by His Majesty, His Heirs and Successors, in case the said Manors, Lands, Tenements, and Hereditaments, were actually vested in

How Forfeitures and Penalties may be recovered.

in His Majesty, His Heirs and Successors, and that he and they were to be considered as private Persons only, and not in their politick Capacity; any Law, Usage, or Custom, to the contrary notwithstanding.

All Stock Annuities, *etc.* invested for the Use of the Hospital, to be transferred to the Corporation.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, in whose Name or Names any Stock Annuities, or other Monies, is or are now standing or being in Trust for, or for the Use or Benefit of the said Hospital, or in whom any Stock Annuities, or other Monies, hath or have been invested for, or for the Use or Benefit of the said Hospital, and the Survivors and Survivor of them, or the Executors and Administrators of such Survivor, shall, as soon as conveniently may be after the passing this Act, assign and transfer such Stock Annuities, or other Monies as aforesaid, unto the said Corporation.

All Penalties, Gifts, *etc.* given to or vested in any Persons for the Benefit of the Hospital, shall, after *May* 1, 1776, be vested in the Commissioners, *etc.*

And whereas divers Penalties, Forfeitures, Gifts, Duties, and other Benefits, have been given, granted, settled, appropriated, and established, for the Use and Benefit of the said Royal Hospital, and the Maintenance thereof, in and by divers Statutes heretofore made and now in Force; and divers Modes have been prescribed by such Statutes for the Recovery of such Penalties, Forfeitures, Gifts, Duties, and other Benefits; and Inconveniencies have arisen in pursuing such Modes for the Recovery thereof; be it further enacted by the Authority aforesaid, That from and after the first Day of May, One thousand seven hundred and seventy-six, all and every Penalties, Forfeitures, Gifts, Duties, and other Benefits, given, granted, settled upon, or vested in, any Person or Persons whomsoever, in Trust for, or for the Use or Benefit of, the said Hospital, or given, granted, or appropriated to the said Hospital, shall be deemed to be, and they are accordingly from thenceforth settled upon, vested in, and appropriated to the Commissioners and Governors of the Royal Hospital for Seamen at Greenwich in the County of Kent, their Successors and Assigns, for the Use and Benefit of the said Royal Hospital; and that all such Suits as shall or may be necessary to

to be brought for the Recovery of any such Penalties, Forfeitures, Gifts, Duties, or other Benefits as aforesaid, or any Parts of them, or either of them, shall and may be brought, commenced, and prosecuted, by and in the Name of The Commissioners and Governors of the Royal Hospital for Seamen at *Greenwich* in the County of *Kent*, in such and the same Manner as if such Penalties, Forfeitures, Gifts, Duties, and other Benefits as aforesaid, had accrued to the said Commissioners and Governors of the said Hospital in their Corporate Capacity; any Law, Statute, Usage, or Custom, to the contrary thereof in any-wise notwithstanding.

Provided always, That all and every the Suits, Bills, Plaints, Informations, or Actions, which are now depending in any of His Majesty's Courts of Record, shall and may be prosecuted and carried on in such and the same Manner as if this Act had not been made. Proviso.

Provided also, That all and every Lease and Demise of all or any the Lands, Tenements, Mines, and Hereditaments, of or belonging to the said Royal Hospital, shall and may be, and are hereby deemed to be valid and effectual, to all Intents and Purposes, in such and the same Manner as if this Act had not been made. This Act not to invalidate Leases, *etc.*

And be it further enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and seventy-six, so much and such Part of an Act, made and passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, intituled, An Act for the more effectual securing the Payment of such Prize and Bounty-monies as were appropriated to the Use of *Greenwich* Hospital, by an Act, made in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for the Encouragement of Seamen, and the more speedy and effectual manning His Majesty's Navy*, as relates to the Manner of levying and recovering Penalties and Forfeitures, and Parts of Penalties and Forfeitures, given or granted to or for the Benefit of the said Hospital, shall be, and the same is hereby repealed. Part of an Act 33 *Geo.* II. repealed.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be, and the same is hereby declared to be a Publick Act; and all Judges, Justices, and others, are hereby required to take Notice thereof as such, without specially pleading the same.

FINIS.